

The Order allowing Plaintiff's counsel to withdraw specifically stated that Plaintiff "shall

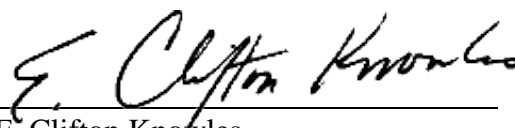
have thirty days to obtain new counsel or notify the Court of his intention to proceed *pro se*; otherwise, Defendant may move to dismiss the case for failure to prosecute.” Docket No. 12.

The instant Motion is based upon the fact that more than thirty days has expired since the entry of the referenced Order, but Plaintiff has not notified the Court of his intention to proceed *pro se*, nor has he obtained new counsel.

The Court further notes that Plaintiff has not filed a Response to the instant Motion which indicates that there is no opposition to the motion. Local Rule 7.01(b).

For the foregoing reasons, the undersigned recommends that this action be DISMISSED for failure to prosecute.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days after service of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have fourteen (14) days after service of any objections filed to this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of service of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *See Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L. Ed. 2d 435 (1985), *reh’g denied*, 474 U.S. 1111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.



E. Clifton Knowles
United States Magistrate Judge